

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 9, 2005 PLANNING COMMISSION MEETING

**PROJECT #:** Special Permit No. 05052

**PROPOSAL:** The applicant is requesting a special permit to operate a cement storage silo.

**LOCATION:** 2611 W. L St.

**LAND AREA:** Approximately 1.4 acres.

**CONCLUSION:** The proposed use is in conformance with the comprehensive plan and the zoning ordinance.

<b>RECOMMENDATION:</b>	<b>Conditional Approval</b>
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Western State Industrial Tract Block 3 Lot 6, located in the NW quarter of Section 28-10-06.

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Vacant

### **SURROUNDING LAND USE AND ZONING:**

North:	I-1 Industrial	Industrial
South:	I-1 Industrial	Railroad ROW
East:	I-1 Industrial	Industrial
West:	I-1 Industrial	Industrial

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Best Management Practices (BMP) are defined as measures that remove or prevent pollutants from entering stormwater. Examples of BMP include stabilizing all areas disturbed during construction and preserving natural drainageways. It is the City's policy to encourage the use of BMP in new development and redevelopment. (F-79)

### **ENVIRONMENTAL CONCERNS:**

The site is located adjacent to the 100 year floodplain but is not within it. The floodplain lies to the south of this site on the opposite side of the railroad right of way. Generally with such uses dust emissions are a concern as well, however this appears to be addressed

considering that the silo will contain an internal air filter. The applicant contends the silo is a self-enclosed, non-polluting machine.

**TRAFFIC ANALYSIS:**

West L Street is a local commercial street. It intersects SW 27<sup>th</sup> Street just west of this site. All local streets serve industrial uses and associated traffic. There is no connectivity of these streets to residential areas.

**ANALYSIS:**

1. This is a request to operate a cement storage silo.
2. According to the applicant, the contents of the silo will be portland cement which is used to fill a mobile concrete mixer for the purposes of off-site concrete delivery and on-site pre-cast concrete operations.
3. The applicant states that it is projected that the silo will be filled once per month on average. The silo will be used daily to fill the mobile concrete mixer.
4. The Lincoln Airport authority notes that the project area is within the Airport Environs Noise District and is subject to the provisions contained in Chapter 27.58 of the Lincoln Municipal Code. This will require an appropriate Avigation and Noise Easement, if there is not one already for this property.
5. The Lincoln Airport Authority also notes that the project area is within the inner approach area as defined in Chapter 27.59. This will require an appropriate height comment and verification of the actual height and location of structures proposed. The applicant should provide LAA with a copy of the height permit and height/location verification when those documents are available. Upon evaluation by staff and according to submitted plans, it has been determined that the height of the silo will not pose a problem and does not approach or exceed the maximum height allowed at this location within the inner approach area.
6. The Lincoln/Lancaster County Health Department notes that during the operation of this facility, the owner/operator will be responsible for complying with the Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2, Section 20, Paragraph (E), "No person shall cause or allow emissions from an existing source, which are of an opacity equal to or greater than (20%), as evaluated by an EPA approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in paragraph (F) of this Section". This requirement is especially relevant to emissions from the silo filter vent.

7. The Health Department also notes that during the operation of this facility, the owner/operator will be responsible for controlling off-site dust emissions in accordance with the Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2, Section 32. Dust control measures shall include, but are not limited to, application of water to roads, driveways, parking lots on-site, site frontage, and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
8. The Health Department further adds that the owner/operator will be required to operate this silo according to the manufacturer's specifications, especially relative to silo filling rate.

**CONDITIONS OF APPROVAL:**

Site Specific:

1. Approval of this permits the operation of a cement silo for the purposes of storing portland cement.
2. The permittee, successor, and or assigns shall inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

General:

3. Before operating the cement storage silo:
  - 3.1 The permittee shall have submitted a revised plan including 5 copies and the plans are acceptable.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.
  - 3.5 Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.

4. The cement storage silo must, at all times, be in compliance with the Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2, Section 20, Paragraph (E).
5. The cement storage silo must, at all times, be in compliance with the Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2, Section 32.
6. The owners/operators must operate this silo according to the manufacturer's specifications, especially relative to silo filling rates.

STANDARD CONDITIONS:

7. The following conditions are applicable to all requests:
  - 7.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 7.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 7.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

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Planner Joe Rexwinkle, 441-6373, jrexwinkle@lincoln.ne.gov

**DATE:**                      October 26, 2005

**APPLICANT:** Ryan Collison  
5501 S 80<sup>th</sup> Street  
Lincoln, NE 68516

**OWNER:** same as applicant

**CONTACT:** Michael Rierden  
645 M Street #200  
Lincoln, NE

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## Special Permit #05052 SW. 26th & W. L St.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 28 T10N R06E



Zoning Jurisdiction Lines

City Limit Jurisdiction

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